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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,853	10/05/2000	Mark Alexander Hill	210_211	9174

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EXAMINER

BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,853

Applicant(s)

HILL ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-14,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-14,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over sandelman et al. (U. S. Patent 6,211,782) in view of Levi et al. (U. S. Patent 6,477,667).

Regarding claims 1-3, 6-14 and 17-18, sandelman discloses querying means in the server for querying the at least one HVAC device for status information for storage in the server, when requested by a message from the entry device (column 6, lines 1-15); means for sending the status information to the entry device in response to the querying means (Fig. 8); means residing in the server for checking for messages from the at least one HVAC device (column 5, lines 37-61); means residing in the server for sending an alarm message to the entry device when an alarm message is received from the at least one HVAC device (column 2, lines 15-30); means for automatically sending alarm messages from the at least one HVAC device through the server to the entry device (column 3, 1-9); a database in the server relating to a status of the at least one HVAC device (column 6, lines 1-18); means for automatically updating the database on a regular basis in the absence of the message from the entry device (column 6, lines 20-

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37); and means for changing settings on the at least one HVAC device from the entry device (column 7, lines 39-65); the entry device is one of a handheld computer, a cell phone, and a personal data assistant (column 6, lines 41-45); the communications access includes connections over the Internet (Fig. 1, element 122); the communications access includes connections over both the Internet and the GSM network (column 8, lines 17-39). In addition, Sandelman a server with bi-communication access to an entry device the at least one HVAC device (column 9, lines 2-14); containing stored information relating to the status of at least one HVAC device (column 10, lines 12-41);

However, Sandelman fails to disclose containing stored information that includes a password and a user name associated with the at least one HVAC device which must be properly identified before stored status information can be accessed by the entry device and when the message from the entry device includes a recognized password and user name associated with the at least one HVAC device; in a first database stored the password and in a second database stored user's name.

Levi discloses containing stored information that includes a password and a user name associated with the at least one HVAC device (column 4, line 67 – column 5, line 67; Fig. 2) which must be properly identified before stored status information can be accessed by the entry device (column 11, lines 10-35); and when the message from the entry device includes a recognized password and user name associated with the at least one HVAC device (Figs. 4-6 and Fig. 8); a first database stored the password and in a second database stored user's name (Fig. 5).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Sandelman with the teaching of Levi in order to provide a system and method for remotely monitoring electrical and mechanical equipment that can deliver fault notification messages to different individuals for different fault conditions via different electronic media.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 6-14 and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (703) 308-6103. The examiner can normally be reached on M-F from 5:30 a.m. to 2:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (703) 308-0538. Additionally, the fax phone for Art Unit 2125 is (703) 308-6306 or 308-6296. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta

October 17, 2003

